

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re: Kevin Smith Thurston

Debtor.

) Case No.: 22-33236-KRH
)
) Chapter 13
)
)
)

MOTION (AND NOTICE) TO EXTEND TIME TO FILE REPLY

PLEASE TAKE NOTICE: The Debtor, Kevin Smith Thurston, by counsel, has filed with the Court a motion requesting an extension of the date set to file a responsive pleading, the motion being more particularly described below.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant relief sought in the Motion, or if you want the Court to consider your views on the Motion, then you or your attorney must **on or before fourteen (14) days after service of this Motion::**

- File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your request to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

United States Bankruptcy Court
Eastern District of Virginia
701 E. Broad Street, Room 4000
Richmond, Virginia 23219

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- *You must also mail (if applicable re CM/ECF) a copy to:*

Brett Alexander Zwerdling, Esquire
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PLEASE TAKE FURTHER NOTICE THAT that on **March 22, 2023 at 12:00pm**, the undersigned will appear **via ZoomGov** before The Honorable Kevin R. Huennkens, United States Bankruptcy Judge, in Room 5000 of the United States Courthouse, 701 East Broad Street, Richmond, Virginia 23219, and will move the Court for entry of an order approving the Motion.

REMOTE HEARING INFORMATION: Due to the COVID-19 public health emergency, no in-person hearings are being held. This hearing will take place remotely through ZoomGov on the date and time scheduled herein. To appear at the hearing, you must send, by email, a completed request form (the “Zoom Request Form”), which is available on the Court's internet website at www.vaeb.uscourts.gov, on the page titled, “Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information.” Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge’s attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.

PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing. If you or your attorney do not take these steps, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the requested relief without further notice or hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

MOTION TO EXTEND TIME TO FILE REPLY

The Debtor, by counsel, respectfully prays for leave to extend the time to file the Debtor’s reply to the Motion and Request for Allowance and Payment of Administrative Expenses Under

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11 USC Sections 503 and 507 filed by GT Remodeling, LLC, said Reply having been filed on February 21, 2023. The Reply was filed late through no fault of the Debtor. Counsel was not aware of the motion of creditor GT Remodeling, LLC until shortly after the 14 day deadline to file a response had passed and apologizes for the same. Counsel would offer that granting the creditor's motion requesting payment of administrative expenses, as filed, would presumably severely prejudice all unsecured creditors in this case for the reasons more specifically set forth in said Reply. Counsel would further offer that GT Remodeling, LLC would not suffer any prejudice or disadvantage in allowing the Reply to be filed shortly after the deadline to file the same.

WHEREFORE, your Debtor, by counsel, respectfully requests that the time set to file a responsive pleading to the Motion and Request for Allowance and Payment of Administrative Expenses Under 11 USC Sections 503 and 507 of creditor GT Remodeling, LLC be extended to February 21, 2023.

Respectfully submitted,

Kevin Smith Thurston

By: /s/ Brett Alexander Zwerdling
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Counsel for the Debtor

Certificate of Service

I hereby certify that on March 2, 2023 a true copy of the foregoing Notice and Motion of the Debtor was served electronically via CM/ECF upon the U.S. Trustee, the Chapter 13 Trustee, and W.R. Baldwin, III of Meyer Baldwin Long & Moore, LLP, counsel for GT Remodeling, LLC.

/s/ Brett Alexander Zwerdling

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